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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,686	09/23/2003	Larry B. Pearson	1033-SS00414	1039

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TOLER & LARSON & ABEL L.L.P.
5000 PLAZA ON THE LAKE STE 265
AUSTIN, TX 78746

EXAMINER	
SAMS, MATTHEW C	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,686	PEARSON ET AL.	
	Examiner	Art Unit	
	Matthew C. Sams	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) *37-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *9/23/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 37-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/12/2005.

Information Disclosure Statement

2. The information disclosure statements filed on 9/23/2003, 11/13/2003, 1/17/2006 have been considered.

Double Patenting

3. Claims 13-15 and 23 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-19 of copending Application No. 10/655,606. Although the conflicting claims are not identical, they are not patentably distinct from each other because: See exemplary sample listed below.

10/668, 686	10/655,606
Claim 23: A system for manipulating call redirection, the system comprising:	Claim 16 A call forwarding control device comprising:
a proximity sensor configured to determine whether a mobile device is proximate to the proximity sensor; computational circuitry coupled to the proximity sensor, the proximity sensor configured to communicate data to the computational circuitry, the data associated with a proximity determination with respect to the mobile device and the proximity sensor; and an interconnected network access point to a computer network coupled to the computational circuitry to transmit a call redirection control message via the interconnected network access point in response to the proximity determination.	a proximity sensor for determining whether a mobile phone is proximate to the proximity sensor; a public switched telephone network interface; a module coupled to the pubic switched telephone network interface and coupled to the proximity sensor, the module configured to communicate with the proximity sensor to determine whether the mobile phone is proximate to the proximity sensor, the module configured to transmit a call forwarding control signal via the public switch telephone network interface.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

4. Claim 35 is objected to because of the following informalities: "date network switch" should be "data network switch". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-5, 9-19, 23-26, 28, 29, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al. (US-4,932,050 hereafter, Davidson) in view of Goss (US-6,320,534).

Regarding claim 1, Davidson teaches proximity detection for telecommunication features that includes a method of processing a call by receiving location data by an interconnected network (Col. 7 lines 14-35, Fig. 2 [162] and Fig. 3 [172]), the location data derived from a proximity sensor that provides a proximity determination with respect to a subscriber (Col. 7 lines 36-54), storing the location data in a data record (Col. 7 lines 41-44), receiving a first call at a primary destination address associated with the subscriber, playing an announcement, prompting for a caller's name, receiving the caller's name and retrieving the data record to identify a selected address, the selected address identifying a communication device of the subscriber, the communication device located within a proximity zone proximate to the proximity sensor. (Col. 8 line 8 through Col. 9 line 68) Davidson differs from the claimed invention by not explicitly reciting the proximity determination with respect to a mobile device of the subscriber.

In an analogous art, Goss teaches a method and system for providing location dependent call forwarding that includes a personal locating unit that monitors the location of the subscriber. (Col. 1 line 47 through Col. 3 line 8, Fig. 2 [42a] and Fig. 3 [42]) At the time the invention was made, it would have been

obvious to one of ordinary skill in the art to implement the invention of Davidson after modifying it to incorporate the personal locating device of Goss. One of ordinary skill in the art would be motivated to do this since it automates where a call is to be routed, instead of having a user constantly update their preference for call routing. (Col. 1 lines 47-58)

Regarding claim 2, Davidson in view of Goss teaches the mobile device is incorporated into the communication device. (Goss Col. 4 lines 60-65)

Regarding claim 3, Davidson in view of Goss teaches placing a second call to the selected address. (Davidson Col. 2 lines 23-33 and Goss Col. 1 lines 47-58)

Regarding claim 4, Davidson in view of Goss teaches a unified messaging service receives the first call and places the second call. (Goss Fig. 5, Fig. 6 and Col. 4 line 66 through Col. 5 line 67)

Regarding claim 5, Davidson in view of Goss teaches receiving an indication that the subscriber has answered the second call. (Davidson Col. 11 lines 21-32)

Regarding claim 9, Davidson in view of Goss teaches determining the subscriber location is within a second proximity zone proximate to a second proximity device and a second address. (Goss Col. 5 lines 16-67)

Regarding claim 10, Davidson in view of Goss teaches that the second proximity zone is a mobile zone not proximate to the proximity sensor, the mobile zone associated with a mobile address. (Goss Col. 5 lines 16-67)

Regarding claim 11, Davidson in view of Goss teaches a unified messaging system receives the location data. (Davidson Col. 7 lines 14-54)

Regarding claim 12, Davidson in view of Goss teaches the selected address is in an ordered list of a plurality of addresses arranged based on the location data. (Goss Col. 5 lines 16-67)

Regarding claim 13, Davidson in view of Goss teaches a method of updating a proximity zone state by receiving location data by an interconnected network (Davidson Col. 7 lines 14-35, Fig. 2 [162] and Fig. 3 [172]), the location data derived from a proximity sensor that provides a proximity determination with respect to a subscriber (Davidson Col. 7 lines 36-54), detecting a change in subscriber location based on the location data (Goss Col. 2 lines 4-29), determining a change from a first proximity zone state to a second proximity zone state based on the subscriber location and updating a data record utilizing the location data, the data record accessible to a call redirection control system, the data record including a proximity zone field, the proximity zone field changed from a first proximity zone state to a second proximity zone state. (Goss Col. 2 line 4 through Col. 3 line 8)

Regarding claim 14, Davidson in view of Goss teaches a first proximity zone is a fixed zone associated with a stationary phone. (Goss Col. 2 lines 63-67)

Regarding claim 15, Davidson in view of Goss teaches a second proximity zone is a mobile zone associated with a mobile phone. (Goss Col. 2 lines 63-67)

Regarding claim 16, Davidson in view of Goss teaches the call redirection control system selectively redirects a call to a selected address associated with the proximity state. (Goss Col. 2 lines 58-62)

Regarding claim 17, Davidson in view of Goss teaches processing a call by receiving location data by an interconnected network (Davidson Col. 7 lines 14-35, Fig. 2 [162] and Fig. 3 [172]), the location data derived from a proximity sensor that provides a proximity determination with respect to a subscriber (Davidson Col. 7 lines 36-54), storing the location data in a data record (Davidson Col. 7 lines 41-44), receiving a first call at a primary destination address associated with the subscriber, playing an announcement, prompting for a caller's name, receiving the caller's name and retrieving the data record to identify a selected address, the selected address identifying a communication device of the subscriber, the communication device located within a proximity zone proximate to the proximity sensor. (Davidson Col. 8 line 8 through Col. 9 line 68)

Regarding claim 18, Davidson in view of Goss teaches placing a second call to a selected address. (Davidson Col. 2 lines 23-33 and Goss Col. 1 lines 47-58)

Regarding claim 19, Davidson in view of Goss teaches receiving an indication that the subscriber has answered the second call. (Davidson Col. 11 lines 21-32)

Regarding claim 23, Davidson teaches proximity detection for telecommunication features that includes a method of processing a call by

receiving location data by an interconnected network (Col. 7 lines 14-35, Fig. 2 [162] and Fig. 3 [172]), the location data derived from a proximity sensor that provides a proximity determination with respect to a subscriber (Col. 7 lines 36-54) and an interconnected network access point to a computer network coupled to the circuitry to transmit a call redirection control message in response to the proximity determination. (Fig. 1 [100] and Col. 2 line 8 through Col. 3 line 35) Davidson differs from the claimed invention by not explicitly reciting the proximity determination with respect to a mobile device of the subscriber.

In an analogous art, Goss teaches a method and system for providing location dependent call forwarding that includes a personal locating unit that monitors the location of the subscriber. (Col. 1 line 47 through Col. 3 line 8, Fig. 2 [42a] and Fig. 3 [42]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Davidson after modifying it to incorporate the personal locating device of Goss. One of ordinary skill in the art would be motivated to do this since it automates where a call is to be routed, instead of having a user constantly update their preference for call routing. (Col. 1 lines 47-58)

Regarding claim 24, Davidson in view of Goss teaches the mobile device comprises a personal digital assistant. (Goss Col. 4 lines 56-65)

Regarding claim 25, Davidson in view of Goss teaches the mobile device comprises a mobile phone. (Goss Col. 4 lines 56-65)

Regarding claim 26, Davidson in view of Goss teaches the mobile device is a radio frequency identification tag, a smartcard or a wearable electronics device. (Goss Col. 4 lines 56-65)

Regarding claim 28, Davidson in view of Goss teaches the proximity sensor is a small device designed for integration into another device, which obviously could be a charging cradle. (Davidson Col. 3 lines 36-40)

Regarding claim 29, Davidson in view of Goss teaches the proximity sensor comprises a radio frequency receiver. (Davidson Col. 3 lines 36-40)

Regarding claims 31-33, Davidson in view of Goss teaches a proximity sensor and discloses a specific example (Davidson Col. 3 lines 36-40), but differs from the claimed invention by not explicitly reciting the proximity sensor communicates by using a wireless communication protocol such as *Bluetooth* or an IEEE 802.11 protocol.

However, it would be obvious to one of ordinary skill in the art to be motivated to use a wireless proximity sensor since the sensor could be located in an unobtrusive location without having to deal with running a wire to the remote location.

7. Claims 6-8 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of Goss as applied to claim 5 above, and further in view of Gross et al. (US-6,389,117 hereafter, Gross).

Regarding claim 6, Davidson in view of Goss teaches receiving an indication that the subscriber has answered a call (Davidson Col. 11 lines 21-32), but differs from the claimed invention by not explicitly reciting playing an

announcement to the subscriber including the caller's name or giving the option to send the call to voice mail.

In an analogous art, Gross teaches a system and method of using a single telephone number to access multiple communication services that includes playing an announcement to the subscriber including the caller's name, answering the phone call or giving the option to send the call to voice mail. (Col. 16 lines 16-37 and Fig. 8) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the proximity detection and call forwarding system of Davidson in view of Goss after modifying it to incorporate a user menu for call action/inaction of Gross. One of ordinary skill in the art would have been motivated to do this since even if a subscriber is using location based routing, a subscriber might find it temporarily inconvenient to always answer the phone.

Regarding claim 7, Davidson in view of Goss and Gross teaches routing a call to voice mail. (Gross Fig. 8)

Regarding claim 8, Davidson in view of Goss and Gross teaches connecting the first call and the second call to allow the caller to engage in a conversation with the subscriber. (Col. 16 lines 16-37)

Regarding claim 20, the limitations of claim 20 are rejected as being the same reason set forth above in claim 6.

Regarding claim 21, the limitations of claim 21 are rejected as being the same reason set forth above in claim 7.

Regarding claim 22, the limitations of claim 22 are rejected as being the same reason set forth above in claim 8.

8. Claims 27, 30 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of Goss as applied to claim 23 above, and further in view of Theimer et al. (US-5,603,054 hereafter, Theimer).

Regarding claim 27, Davidson in view of Goss teaches the computational circuitry for transmitting call redirection (Davidson Fig. 1 [100], Fig. 3 [172], Col. 2 line 8 through Col. 3 line 35 and Goss Col. 1 line 47 through Col. 3 line 8, Fig. 1 [12]), but differ from the claimed invention by not explicitly reciting that the computational circuitry is a personal computer.

In an analogous art, Theimer teaches a method of enforcing interaction policies between users and machines based on location that includes call forwarding based on location (Col. 2 lines 20-25 and line 60 through Col. 3 line 2), wherein a personal computer can be used as the computational circuitry. (Col. 8 lines 53-65) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Davidson in view of Goss after modifying it to incorporate a personal computer for controlling the call forwarding preferences of Theimer. One of ordinary skill in the art would have been motivated to do this since it doesn't require the cost of purchasing and maintaining a large server containing a server with every user's preferences.

Regarding claim 30, Davidson in view of Goss and Theimer teaches the proximity sensor comprises a radio frequency identification receiver. (Theimer Col. 2 lines 20-25)

Regarding claim 34, Davidson in view of Goss and Theimer teaches the network access point is a broadband modem. (Theimer Col. 5 line 50 through Col. 6 line 21)

Regarding claim 35, Davidson in view of Goss and Theimer teaches the network access point is a router or data network switch. (Theimer Col. 5 line 50 through Col. 6 line 21)

Regarding claim 36, Davidson in view of Goss and Theimer teaches a call redirectioin control message is a Remote Procedure Calls, InterProcess Communications message, Simple Object Access Protocol message, email message, HyperText Transfer Protocol message or file transfer protocol message. (Theimer Col. 7 lines 46-54)

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US-6,332,082 to Fuller et al. regarding a method and apparatus for controlling a telephone system.
- US 2002/0029258 to Mousseau et al. regarding a system and method for redirecting data to a wireless device through a plurality of communication paths independent upon location.
- US 2004/0208297 to Valentine regarding a call handling system for wireless communication systems

- US-4,752,951 to Konneker regarding a method of location dependent personal telephone service.
- US-4,275,385 to White regarding an infrared personnel locator system for call routing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS
2/16/2006

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER